

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	
DELFIN DESTIN, R.N.	:	
License # 26NR 15666000	:	FINAL ORDER
	:	OF DISCIPLINE
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Delfie Destin ("Respondent") is a Registered Professional Nurse (RN) in the State of New Jersey, whose nursing license has been in inactive status since November 20, 2014.

2. Respondent signed a private letter agreement on or about August 11, 2014 and undertook to enroll in the Recovery and Monitoring Program of New Jersey (RAMP). The agreement required Respondent to enroll in RAMP, undergo evaluation and monitoring, agree to follow recommendations by RAMP for further

treatment, and to refrain from the use of any and all potentially addictive substances. The agreement was to have the force and effect of a Board Order within the intendment of N.J.A.C. 13:45C-1.4. In the event that the Board received reliable information that Respondent had acted in violation of the RAMP contract and/or the agreement, the agreement was no longer to remain confidential.

3. The private letter agreement also provides that engaging in deceptive practices that are material to the functioning of the RAMP program, such as working as a nurse while not authorized to do so, working as a nurse without disclosing the employment to RAMP, constitutes a violation of the private letter agreement.

4. On or about November 4, 2014, Respondent signed an authorization for the Board to place Respondent's nursing license in inactive status until RAMP supported her return to nursing practice.

5. On or about April 3, 2015, Respondent was arrested by the Kenilworth Police Department for possession of a Controlled Dangerous Substance (CDS), theft, and receiving stolen property.

6. A complaint dated April 8, 2015 was received by the Board, advising the Board that Respondent had been employed as a nurse by Bayada Home Health Care on April 2 and April 3, 2015 at a patient's home. A discrepancy in the client's Lorezepam (CDS)

pills was allegedly noted, in that prior to Ms. Destin's arrival at the client's home, the pills numbered 44.5 pills, but on the following morning the number of pills had increased to 58 or 59 pills, according to the complaint. Moreover, it appeared that the pills in the bottle on April 3, 2015 were different from the pills in the bottle on April 2. The client's relative purportedly brought the pills to a pharmacy on April 3, 2015 and was told that the pills were a simple vitamin, not Lorazepam. The police were summoned, according to the complaint, searched Ms. Destin's purse, and found an empty pill bottle. The police then searched Ms. Destin's car and found more empty pill bottles, belonging to several members of the patient's family. Moreover, according to Bayada, a second Bayada client telephoned Bayada and reported that the police had contacted the client after finding empty Xanax (CDS) and Lexapro bottles with the second client's name (and her husband's name) on them. Ms. Destin had been employed as a nurse with that family as well.

7. On or about May 18, 2015, a letter was sent to Respondent by overnight and regular mail, indicating that information had been received indicating that Respondent had worked as nurse at a time when she was inactive status, and contrary to RAMP's instructions, in violation of the private letter agreement. Respondent was advised to respond within five days to these allegation. The overnight mailing of the letter

was delivered on May 19, 2015. No response has been received to date.

7. A certification from RAMP's Director indicates that RAMP had instructed Respondent in September not to work as a nurse, and requested that she enter into inactive status. Ms. Destin entered into inactive status as of November of 2014, but RAMP learned from the Board that Respondent had been working as a nurse in April of 2015. Ms. Destin was discharged from RAMP on April 10, 2015 because she had been working as a nurse without RAMP approval. Ms. Destin acknowledged in an email to RAMP that she had indeed been working. She ceased participating in RAMP on April 10, 2015. She telephoned to re-enroll in RAMP on May 6, 2015. On May 12, 2015, Ms. Destin tested positive for an unprescribed medication, Lorazepam.

#### CONCLUSIONS OF LAW

Respondent's employment as a nurse in April of 2015, at a time when her nursing license was in inactive status, constitutes unlicensed practice of nursing within the intendment of N.J.S.A. 45:1-37 and N.J.S.A. 45:1-25.

Respondent's employment as a nurse at time when she was not authorized by RAMP to practice as a nurse constitutes a violation of the private letter agreement, and consequently is deemed to constitute the violation of a Board order within the intendment of N.J.A.C. 13:45C-1.4, subjecting Respondent to

automatic suspension pursuant to the terms of the private letter agreement, and professional misconduct within the intendment of N.J.S.A. 45:1-21(e).

Respondent's testing positive for unprescribed medication, Lorezepam,<sup>1</sup> on May 12, 2015 constitutes an addition violation of the terms of the private letter agreement. Moreover, Respondent's working as a nurse without disclosing that fact to RAMP, after being instructed by RAMP to enter into inactive status and refrain from working as a nurse, also constitutes a deceptive practice that is material to the functioning of the RAMP program. Pursuant to the terms of the private letter agreement, these violations constitute additional violations of N.J.A.C. 13:45C-1.4.

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a two year suspension with no reinstatement until Respondent can demonstrate that she is fit and competent and gains RAMP's support for reinstatement was entered on July 16, 2015. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a

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<sup>1</sup> It should be noted that Lorezepam was found missing from a Bayada client's home in April of 2015.

modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline. She acknowledged that she did not respect the contract that she signed and that she breached the contract that she signed with RAMP. She also maintained that she was under stress as she was not able to earn half of what she used to make when she was working as a nurse. Other than that, she did not respond to the allegations that she engaged in unlicensed practice in working while her license was inactive or that she had been arrested for allegations of diverting medications from the home care patients that she attended to while engaging in unlicensed practice. She instead focused on another issue - that she had obtained a doctor's prescription for Tramadol (CDS) without RAMP's approval and that she should be allowed to take this particular CDS.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions

of law. Respondent's reply to the Provisional Order underlines her lack of fitness to practice.

ACCORDINGLY, IT IS on this 14<sup>th</sup> day of December, 2015,  
ORDERED that:

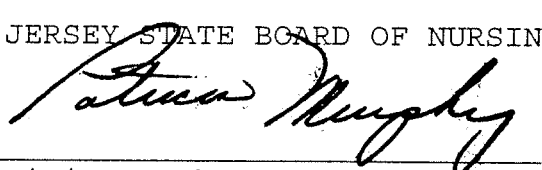
1. Respondent's New Jersey nursing license is hereby suspended for a minimum period of two years. Respondent's nursing license shall not be reinstated until she has demonstrated, to the Board's satisfaction, that she is fit and competent to resume nursing practice, which may be accomplished by obtaining RAMP's support for reinstatement of her license.

2. Respondent shall refrain from practicing as a nurse and shall not represent herself as a Registered Professional Nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a further charge of unlicensed practice.

3. The Board reserves the right to impose further discipline, limitations, or restrictions at the time of Respondent's petition for reinstatement, based upon the criminal matter, or any other information obtained.

NEW JERSEY STATE BOARD OF NURSING

By:

  
Patricia Murphy, PhD, APN  
Board President